

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

RICHARD ALAN ARLEDGE

§
§
§
§
§
§
§

CASE NO. 4:09CR89

**ORDER ADOPTING THE RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE AND GRANTING THE
GOVERNMENT’S MOTION TO DISQUALIFY RYAN LURICH**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636. On September 4, 2009, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that the Government’s Motion to Disqualify Ryan K. Lurich and his law firm, Friedman & Feiger, LLP. (Dkt. 113) should be GRANTED.

The court, having made a *de novo* review of the objections raised by Defendants (Dkt. 264), and the Government’s response (Dkt. 265) is of the opinion that the ultimate recommendation of the Magistrate Judge is correct. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as modified by the court at the hearing held on March 1, 2010. In accordance with Federal Rule of Criminal Procedure 44(c), the court finds that, while there is insufficient evidence that an actual conflict of interest exists, there is a serious potential for a conflict of interest to develop should Mr. Lurich continue with his multiple representation of three co-defendants in this case. Notwithstanding the waivers of conflict of interest signed by Mr. Lurich’s three current clients

and one former client, all of whom are co-defendants in this case, and notwithstanding the presumption in favor of a defendant's counsel of choice, the court finds that the potential conflicts of interest faced by Mr. Lurich in simultaneously maintaining his obligations as an attorney to all four current and former clients requires this court to reject the waivers and order separate representation in order to insure the fairness of the upcoming trial and any post-trial proceedings that may occur. *United States v. Sanchez Guerro*, 546 F.3d 328 (5th Cir. 2008)

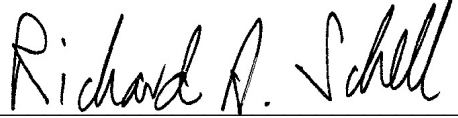
It is, therefore, **ORDERED** that the Government's Motion to Disqualify Ryan K. Lurich and his law firm, Friedman & Feiger, LLP. (Dkt. 113) is **GRANTED**, and they are disqualified as counsel in this case.

It is further **ORDERED** that, within 30 days of the date of this order, Defendants Farr and Santignan shall notify the court as to whether they have retained new counsel or whether they are unable to afford counsel of their own and seek court-appointed counsel. If they seek court-appointed counsel, they shall request a financial affidavit from their pretrial services officer and submit an affidavit to the clerk.

This case is set for jury trial on November 15, 2010, assuming the availability of new counsel for Mr. Farr and new counsel for Mr. Saintignan. Further, Mr. Farr and Mr. Saintignan shall appear in this court on April 5, 2010 at 9:00 a.m. with their new counsel.

IT IS SO ORDERED.

SIGNED this the 2nd day of March, 2010.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE